

**TILLAMOOK CITY COUNCIL MEETING
MONDAY, NOVEMBER 2, 2009
CITY HALL, 210 LAUREL AVENUE**

CALL TO ORDER/FLAG SALUTE:

Mayor McPheeters called the regular City Council meeting to order at 7:30 P.M. and led the Pledge of Allegiance.

ROLL CALL:

Those present for roll call:

Mayor Bob McPheeters
Councilor Joe Martin
Councilor Carolyn Decker
Councilor Suzanne Weber
Councilor John Sandusky
Councilor Willard Berry

Absent: None.

Staff Present:

Mark Gervasi, City Manager
John Putman, City Attorney
Arley Sullivan, Public Works Director
Terry Wright, Chief of Police
Bernadette Sorensen, City Recorder

AGENDA:

The posted agenda for the meeting of November 2, 2009 is attached and by this reference is made a part of the record.

ADDITIONAL INFORMATION PROVIDED TO MEMBERS AFTER PACKET ISSUED:

(Copies attached)

1. Voucher Register for current bills to be reviewed for payment.
2. City Manager's report. (Exhibit A)

MINUTES:

Council minutes for October 5, 2009 and October 19, 2009 were provided in Council packets. **Councilor Sandusky moved approval of the minutes of October 5, 2009. Councilor Weber seconded the motion.** There were no corrections, additions or deletions. **Motion carried unanimously by Council seated.**

Councilor Berry pointed to the adjournment listed Mayor McPheeters on the October 19th minutes. Mayor McPheeters was absent for that meeting. The correction is noted. **Councilor Berry moved approval of the minutes of October 19, 2009 with the correction. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated.**

PRESENTATION:

Chief Wright read a report regarding a citizen aiding a police officer who was wrestling with a suspect right next to a traffic lane. Backup for the officer was miles away. **Mayor McPheeters** commended Russell Thomas who helped Officer Matt Harris. A plaque of appreciation was presented to Mr. Thomas as well as gratitude from the Police Department and the City Council.

Tillamook City Council Meeting

November 2, 2009

MONTHLY REPORTS:

City Manager (Exhibit A):

- Reported that City Attorney Putman is working on list of possible mediators to use for the transit district and city lease agreement issue.
- Road internal to the site at the WWTP is in. Paving should begin soon.
- Tonight will be the second reading for the ward boundaries and map.
- Preliminary review of the annexation information to the Dept. of Revenue looks good.
- Employee Handbook update has been a bit delayed.
- Brookfield Meadows subdivision street light project is underway.
- Oregon Solutions Project #44 – A meeting will be held at Tillamook County Library on November 10, 2009 at 1:00 P.M.
- Tillamook RV old location has been cleared of buildings and will be rezoned as open space in the near future.
- He needs to schedule a Street Committee meeting and a Finance Committee meeting. Gervasi will be contacting the Street Committee to set a date. Sorensen asked that Councilors Weber, Sandusky and Martin check their schedules for a meeting on December 10, 2009 at 10:00 A.M. This date was set and a reminder notice would be sent out to the committee.

Chief of Police:

- He is working with the City Attorney on the Traffic Ordinance update.
- Updated the North Main Reverse 9-1-1 list.
- In the process of an agreement with a company to destroy all evidence that is marked for destruction. This will be a one-stop, legal, appropriate method to properly document and destroy different types of evidence and is relatively inexpensive.
- DPSST is scheduled for training in Tillamook in December for Use of Force.
- 2009 Legislative Report has been furnished to all councilors. Chief Wright asked for councilors to contact him with any questions regarding changes in the laws.
- Showed Council new signs for flooding or other emergencies.
- Working with ODOT on a grant for a radar trailer.
- Department is getting ready for Christmas holiday youth projects.
- Monday, November 16th between 4:00 P.M. to 8:00 P.M. Denny's will provide a portion of their proceeds for the Shop With A Cop program. Tillamook City Police will be at Denny's to help serve.

Public Works Dept.:

- Public Works crews and supervisors participated in a certified fork lift operator's class. Everyone passed the exam.
- The crew dug some test holes at Fawcett Creek decant pond to determine a new location for the pond as the Fawcett Creek fish habitat upgrade project moves forward.
- ODOT cleaned the storm drainage ditches on 101 N and Makinster Road.
- The crew moved a pile of dirt and debris and hydro-seeded the area at Hoquarton Trail Park by view dock 2 and 3.
- Curb and sidewalk and storm drainage have been installed on Third Street on the north side of the new WWTP property.
- They are still experiencing problems with the digester at the WWTP.
- He and Lyda will be meeting with Boatwright Engineering's water rights examiner to continue the process of transferring a water right to Well No. 2 to increase its permitted capacity and another well location for future use.

Municipal Court Judge:

- Judge Dolan's report was included in Council packets.

Tillamook City Council Meeting

November 2, 2009

PUBLIC HEARINGS:

1. **CITIZEN HEARINGS - NON-AGENDA ITEMS:** **NONE.**

2. **COUNCIL CONCERNS - NON-AGENDA ITEMS:**

Councilor Martin thanked Chief Wright for providing a shirt for a friend of his from Indonesia. He will be visiting the Tillamook Police Dept. while he is in the states for a conference.

Councilor Weber asked if the City has an ordinance dealing with people living in tents on private property in back yards. Chief Wright said no, not specifically, unless they are violating another ordinance we have

3. **TILLAMOOK URBAN RENEWAL PLAN AMENDMENT**

Mayor McPheeters opened the Public Hearing. Gervasi said the City has not received any written comments. This first plan amendment concerns acquisition of certain lands for development and/or redevelopment by the public or private sector as allowed under the Tillamook Urban Renewal Plan. The Tillamook City Planning Commission and City staff also recommended approving the ordinance. **There being no further comments the Public Hearing was closed.**

4. **PACIFIC HOUSE RESTAURANT OLCC APPLICATION**

Mayor McPheeters opened the Public Hearing. Police Department found no adverse information and recommended approval of the application. Sorensen said that a Public Notice was published in the Headlight-Herald newspaper. The City received no written comments on the application. The applicant was present tonight to answer any questions from the Council.

Benjamin Nunez told the Council about the establishment and the Full On-Premises Sales for a Commercial Establishment application. **Mayor McPheeters closed the Public Hearing.**

PERMITS & LICENSES:

Councilor Weber moved approval of the OLCC application from Pacific House Restaurant. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated. Sorensen told the applicant that the signed permit would be available for him to pick up tomorrow morning.

BEAUTIFICATION/PROPERTY IMPROVEMENT:

Gervasi said that the City will be having a Fall Leaf Depot at City Hall on November 21st & November 22nd. Folks can drop their leaf and yard debris off here. The City will have a large container and haul the debris away at no cost to the citizens. The City has SOLV bags available for people to use.

Councilor Weber said that the service groups are winterizing the flower beds at Goodspeed Park.

COMMITTEE REPORTS:

Councilor Weber stated there would be a Beautification Committee meeting Tuesday, November 3rd at 1:00 P.M. to continue planning for the holiday celebration held this year on December 5th from 4:30 P.M. to 6:00 P.M.

**Tillamook City Council Meeting
November 2, 2009**

NEW BUSINESS:

- **City of Tillamook and Tillamook Urban Renewal Agency revised Intergovernmental Agreement – Gervasi** went through the agreement pointing out the proposed changes to the document. Gervasi said his recommendation is for Council to approve the changes to the IGA. **Don Hurd, Urban Renewal Board Chair**, told the Council they are pleased with the administrative support from Gervasi and Debbi Reeves. He did not feel the changes to the IGA would hurt the relationship between the City and the Urban Renewal Agency. Mayor McPheeters commented that the City is gratified with the work that is going forward from the agency. **Councilor Sandusky moved to accept the agreement between the City of Tillamook and the Tillamook Urban Renewal Agency as amended relating to services to be provided by the City of Tillamook to the Tillamook Urban Renewal Agency and to give the Mayor the authority to sign the document. Councilor Weber seconded the motion. Motion carried unanimously by Council seated. Councilor Weber** commented that the Urban Renewal Agency owes a huge debt to Don Hurd for all the wonderful work he has done in the last few months.

OLD BUSINESS:

- The Council was provided with a copy of the advertisement for the Ward 4 vacancy. Applications will be taken until 4:00 P.M. November 10th.
- The mayors of Bay City and Tillamook have both signed the Intergovernmental Agreement for the Bay City/City of Tillamook waterline tie-in. Sullivan would be meeting with Bay City in the near future.
- Attorney Putman updated the Council on mediation services for the TCTD lease for the transit center. He also informed the TCTD of the Council's wishes not to waive the attorney-client privilege to allow Ball Janik to represent them. Their new legal counsel is Jim Lilley. Putman has spoken with him via telephone. This does not preclude the possibility of resolving this matter prior to mediation.

LEGISLATIVE

1. ORDINANCE MAKING THE FIRST PLAN AMENDMENT TO THE TILLAMOOK URBAN RENEWAL PLAN ALLOWING THE TILLAMOOK URBAN RENEWAL AGENCY TO ACQUIRE LAND FOR DEVELOPMENT BY THE PUBLIC OR PRIVATE SECTOR – FIRST READING

Councilor Martin moved for the first reading of the ordinance making the first plan amendment to the Tillamook Urban Renewal Plan by title only. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated. Sorensen read the ordinance by title only. Mayor McPheeters said that the second reading would occur at the next meeting.

2. AMENDING ORD. NO. 1120, SECTION 2 WARD BOUNDARIES AND REPEALING ORDINANCE NO. 1212 TO ACCOUNT FOR POPULATION ADJUSTMENTS MADE IN THE 2008 COUNTY VOTER REGISTRATION PRECINCT COUNT REPORT AND INCLUDING TERRITORY RECENTLY ANNEXED INTO THE CITY OF TILLAMOOK – SECOND READING

Councilor Berry moved to have the second reading of the ordinance by title only. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated. Sorensen read the ordinance by title only.

Councilor Martin moved to adopt the ordinance. Councilor Berry seconded the motion. The motion carried unanimously by Council seated by the following roll call vote:

**Tillamook City Council Meeting
November 2, 2009**

**Councilor Martin
Councilor Decker
Councilor Weber**

**Aye
Aye
Aye**

**Councilor Sandusky
Councilor Berry**

**Aye
Aye**

STAFF COMMUNICATIONS/CORRESPONDENCE/DISCUSSION:

- Chamber of Commerce letter informing the Council they are not interested in proceeding with the City of Tillamook in regards to increasing Transient Room Tax by 1% and giving that increase to the Chamber to help subsidize their funding.
- Letter from Linda Girard of CH2M Hill regarding the postponement of the meeting scheduled for November 4th on the Hwy. 6/Hwy. 101 interchange. They want to take another look at the proposed bridge design to see if there are other viable options that would minimize some of the issues identified by stakeholders.

EXECUTIVE SESSION:

ORS 192.660 (2) (b) EMPLOYEE COMPLAINT

At 8:38 P.M. Mayor McPheeters announced that Council would be holding an Executive Session according to the above referenced ORS. Council took a five-minute break.

At 9:25 P.M. Mayor McPheeters announced the return to regular session from Executive Session.

Councilor Sandusky recognized two points from the Executive Session. (1) Apologies have been issued and accepted. The matter should be laid to rest. (2) The Council should direct the Personnel Committee, City Manager and City Recorder to make sure that the Code of Conduct in the revised Personnel Handbook is quite clear on the chain of command and applies to all employees. Once the revised handbook is in place all department heads should make sure training for all employees takes place.

MAYOR'S REPORT:

None.

AUTHORIZATION TO PAY BILLS:

The Finance Committee had reviewed the current bills prepared for payment. **Councilor Martin moved to pay the bills approved by the Committee. A second was made by Councilor Weber. Council seated approved the motion unanimously.** Bills were paid in the following total amount. A copy of the voucher register is attached and by this reference is made a part of the record.

GENERAL CHECKING ACCOUNT

A/P Batch 10/19/09

Checks #27268-27329

\$ 230,394.36

ADJOURNMENT:

There being no further business Mayor McPheeters adjourned the meeting at 9:50 P.M.

APPROVED:

Mayor

ATTEST:

City Recorder